

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

JOHN FUJIWARA, *et al.*,

Defendants.

Adv. Pro. No. 10-04289 (CGM)

[PROPOSED] ORDER REOPENING ADVERSARY PROCEEDING

WHEREAS, Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff, commenced this adversary proceeding against Defendant John Fujiwara (“Mr. Fujiwara”) and his late wife by filing his complaint dated November 26, 2010. (ECF Doc. # 1.)

WHEREAS, the parties entered into a settlement (the “Settlement Agreement”), effective January 13, 2020, in accordance with the *Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Granting Authority and Establishing Procedures for Settlement Agreements in Connection with Avoidance Actions Filed by the Trustee*, dated November 12, 2010 (ECF Adv. P. No. 08-01789 Doc. # 3181).

WHEREAS, the parties submitted a stipulation for voluntary dismissal, so ordered by this Court on January 17, 2020, wherein this adversary proceeding was dismissed “without prejudice subject to the Trustee having the right to re-open th[e] adversary proceeding in the event of an uncured default under the Settlement Agreement . . .” (ECF Doc. # 100.)

WHEREAS, on March 23, 2022, the Trustee’s counsel informed this Court that Mr. Fujiwara has failed to make a certain payment required under the Settlement Agreement which has not been cured, and requested that this adversary proceeding be reopened to allow the Trustee to begin taking steps to collect the outstanding amount due and owing under the Settlement Agreement. (ECF Doc. # 101.)

NOW, THEREFORE, IT IS ORDERED, that this adversary proceeding is reopened.